

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-CR-043-SPF
)	
LINDSEY KENT SPRINGER,)	
OSCAR AMOS STILLEY,)	
)	
Defendants.)	

**UNITED STATES' CONSOLIDATED RESPONSE TO DEFENDANT
SPRINGER'S MOTIONS TO DISMISS (DOCS. 280, 282 AND 284)
AND MOTION TO STRIKE DOC. 276 AND 277 (DOC. 285)**

United States of America, by and through its attorneys, Thomas Scott Woodward, United States Attorney for the Northern District of Oklahoma¹ and Kenneth P. Snoke, Assistant United States Attorney, and Charles A. O'Reilly, Special Assistant United States Attorney, hereby responds in opposition to Defendant Springer's following filings:

- Motion to Dismiss Count One for Lack of Article III Subject Matter Jurisdiction, Article III Jurisdiction of the Facts and Venue (Doc. 280);
- Motion to Dismiss Counts Two, Three, Four, Five and Six for Lack of Article III Subject Matter Jurisdiction, Article III Jurisdiction of the Facts and Venue (Doc. 282);
- Motion to Dismiss Indictment for (1) Lack of Article III Standing of United States of America, (2) Lack of Article III Case or Controversy, (3) For Violation of Title 28, United States Code Section 547, Lacking of Subject Matter Jurisdiction (Doc. 284); and

¹On January 21, 2010, Thomas Scott Woodward was sworn in as the Attorney General's appointed United States Attorney for the Northern District of Oklahoma.

– Motion to Strike Doc. 276 and 277 (Doc. 285).

In these four motions, Defendant asserts many of the same frivolous arguments made in previous filings, including in Defendant’s First Motion to Dismiss Grand Jury Indictment for Lack of Venue and supporting memorandum of law (Docs. 51 and 52), and in Defendant’s Reply Regarding Opposition to Springer’s Motion to Dismiss (Doc. 81). These arguments, previously rejected by the Court, include that the abolishment of the Internal Revenue districts prevented the United States from prosecuting him pursuant to Title 26, United States Code Sections 7201 and 7203. The Government has responded to Defendant’s previous assertions, including in Docs. 42, 71, 80, 93, 276 and 277. The Court denied Defendant’s motion to dismiss (Doc. 51) on July 1, 2009. Doc. 100. While a defendant may raise jurisdiction at any point while the case is “pending,” Defendant has raised these arguments previously, and this Court has appropriately rejected them.

Defendant does raise what the United States believes may be new assertions, but these new assertions are frivolous to the point of absurdity. These arguments include that Thomas Scott Woodward “is not authorized to act as a United States Attorney” (Doc. 285 at 1-2), that the United States lacks standing to bring criminal charges pursuant to Title 26 (Doc. 284 at 2), that “[t]here are no United States Attorney Offices established by law that could qualify to be exercised outside of the District of Columbia” (Doc. 284 at 8-9), etc.

Further, to the extent Defendant’s arguments go to jurisdiction as opposed to venue for this prosecution, Defendant’s pending motions seeking a new trial (Doc. 262) and

challenging the jurisdiction of this Court (Docs. 271 and 272) also raise many of these issues, to which the United States has already responded.

Defendant's motions (Docs. 280, 282, 284 and 285), together with their supporting briefs, (Docs. 281 and 283), largely rehash frivolous arguments that Defendant has previously made. The United States previously addressed these assertions in Docs. 42, 71, 80, 93, 276 and 277. However, the United States stands ready to file supplemental responses should the Court determine that such responses would be of assistance to the Court.

Respectfully submitted,

THOMAS SCOTT WOODWARD
UNITED STATES ATTORNEY

/s/ Kenneth P. Snoke

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Lindsey K. Springer, Defendant

Oscar A. Stilley, Defendant

Robert Williams

Standby Counsel assigned to Lindsey Kent Springer

Charles Robert Burton, IV

Standby Counsel assigned to Oscar Amos Stilley

/s/ Kenneth P. Snoke

Assistant United States Attorney